



PATENT
Attorney Docket No. 1175931
DHHS Ref. No. E-167-972
SEP 25 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell et al.

Application No. 09/424,519

Filed: March 3, 2000

For: THE USE OF A NITROXIDE OR A PRODRUG
THEREOF IN THE PROPHYLACTIC AND
THERAPEUTIC TREATMENT OF CANCER

Group Art Unit: 1614/200
Examiner: B. Y. S. Kwon

RECEIVED #21
JULY 10/11/03
10/11/03

DECLARATION UNDER 37 C.F.R. § 1.132 OF JAMES B. MITCHELL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, James B. Mitchell, hereby declare that:

1. I am a co-inventor of the subject patent application.

2. Attached hereto as Exhibit 1 is a copy of a manuscript, which has been prepared for publication in a scientific journal, that demonstrates the prophylactic treatment of mice lacking the *Atm* gene with Tempol. These mice are considered to be good models of ataxia telangiectasia. The data indicate that Tempol prophylactically treats ataxia telangiectasia.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

In re Appln. of Mitchell et al.
Application No. 09/424,519

Respectfully submitted,



James B. Mitchell, Ph.D.

Date: 9/16/03

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